In rejecting claims 1 and 17, the Office Action states that the Malik patent discloses each of the claimed steps, with the exception of installing an agent on each device. To this end, it refers to the Suzuki patent, and asserts that it would be obvious to modify the configuration management system of the Malik patent to include an agent. It is respectfully submitted that it would not be obvious to combine these two patents in the manner set forth in the Office Action, absent knowledge of the presently claimed invention.

The Malik and Suzuki patents are directed to distinctly different objectives, due to the fact that they are concerned with different types of computing environments. The Malik patent is concerned with the *configuration* of network devices such as routers, bridges and hubs. It defines "configuration" as a particular setting of device parameters that govern operational characteristics of a network device. See column 1, lines 23-27.

In contrast, the Suzuki patent is directed to the *installation* of a program on a client from a remote source. More particularly, it is concerned with the situation in which a reboot is required during the installation of the program. As discussed in the background portion of the patent at column 1, lines 39-63, after a reboot occurs during the installation process, a manual operation is required at the client. Furthermore, an endless loop that repeats from the beginning of the installation, and never completes, could occur. To alleviate these situations, the patent discloses the use of a boot agent on the client.

It is respectfully submitted that there is no motivation to apply any of the teachings of the Suzuki patent to the configuration management system of the Malik patent. First, as noted above, the Malik system is directed to the *configuration* of network devices, e.g. setting parameters such as port thresholds, on/off switches, and access security. It does not

function to install software on devices. As such, there is no reason why anyone working with the system of the Malik patent would refer to the teachings of the Suzuki patent.
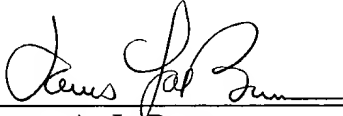
Second, the particular reason for using an agent in the Suzuki patent does not have any applicability to the system of the Malik patent. As described in the Suzuki patent, the agent is loaded onto the client from the server at the beginning of the installation process, and after each reboot. By means of such a mechanism, the server remains in control of the installation process, and can continue from where it left off, instead of starting from the beginning after each reboot. There is no showing that this type of operation is applicable to the configuration management system of the Malik patent. This latter patent does not disclose that a reboot takes place during the configuration of a device. As such, the concerns addressed by the Suzuki patent are not present in the system of the Malik patent, and hence there is no reason to employ Suzuki's agents. Any suggestion to combine the references can only be based upon knowledge of Applicant's disclosure, and not on the teachings of the references themselves.

Accordingly, it is respectfully submitted that it would not be obvious to combine the disclosures of the Malik and Suzuki patents in the manner set forth in the Office Action. Since all of the rejections are based upon such a purported combination, it is respectfully submitted that the Office Action does not establish a *prima facie* case of obviousness that would support the rejections.

For the foregoing reasons, it is respectfully submitted that all pending claims are

patentable over the applied references. Reconsideration and withdrawal of the rejections

are respectfully requested.

Respectfully submitted,
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